

1 Hon. Richard A. Jones
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 ERIC WOODBERRY,

12 Defendant.

No. CR18-049RAJ

13 ORDER GRANTING DEFENDANT
ERIC WOODBERRY'S MOTION
TO PRECLUDE IN-COURT
IDENTIFICATION

14 THIS MATTER has come before this Court upon Defendant Eric Woodberry's
15 Motion to Preclude In-Court Identification (Dkt. #79). Having considered the motion,
16 the government's response (Dkt. #90) and the files and pleadings herein, the Court
GRANTS the motion.

17 The defendant seeks an order precluding any of the witnesses to the robbery from
18 making an in-court identification of Mr. Woodberry as their assailant at trial. This
19 request is premised upon the belief that none of the three witnesses to the robbery were
20 able to identify the defendants based upon facial recognition. At best, it is anticipated
21 that the witnesses will make identifications based on clothing and footwear. The
22 government concedes this point and seeks affirmation prohibiting the defense from
23 asking the witnesses whether they can identify either defendant in court.

1 The Court will therefore prohibit either party from asking the three witnesses
2 whether they can identify either defendant in court during trial. This ruling does not
3 conflict with the Court's order allowing an evidentiary hearing on the motion to suppress
4 the witnesses' identification of the defendants during the show-up procedure that took
place within a few hours of the robbery.

5 For these reasons, Defendant Woodberry's Motion to Preclude In-Court
6 Identification (Dkt. #79) is **GRANTED**.

7 DATED this 12th day of April, 2019.
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11 The Honorable Richard A. Jones
12 United States District Judge
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